

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS CHRISTOPHER EVANS,

Defendant.

CASE NO. CR12-5044BHS

ORDER

This matter comes before the Court on the Defendant's unopposed motion to continue the trial date in this case. Dkt. 29. The Court, having considered the motion, the affidavit of defense counsel filed under seal and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. The Court adopts as true the statements contained in the affidavit of Colin Fieman. Dkt. 31.

2. The defense needs additional time to investigate the allegations in this case.

3. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 4. Taking into account the exercise of due diligence, a continuance is necessary to allow
2 the defendant the reasonable time for effective preparation his defense, and to ensure continuity
3 of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

4 5. Proceeding to trial absent adequate time for the defense to prepare would result in a
5 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(I).

6 6. The ends of justice served by granting this continuance outweigh the best interests of
7 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

8 7. Defendant waived speedy trial through December 30, 2012.

9 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date is continued from
10 July 24, 2012, to December 4, 2012, at 9:00 a.m. The resulting period of delay from July 2,
11 2012, to December 4, 2012, is hereby excluded for speedy trial purposes under 18 U.S.C. §
3161(h)(7)(A) and (B).

12 Pretrial motions are due by September 25, 2012, proposed voir dire, jury instructions and
13 trial briefs are due by November 21, 2012. Pretrial conference is set for November 26, 2012, at
14 1:30 p.m.

15 Dated this 10th day of July, 2012.

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18 BENJAMIN H. SETTLE
United States District Judge